

# CALGARY HERALD

## **Landowners, lawyers predict Bill 2 will get a rocky reception in Alberta**

**Responsible Energy Development Act described by one group as 'worst proposed legislation ever introduced in this province'**

By Darcy Henton, Calgary Herald November 15, 2012



**Energy Minister Ken Hughes says the energy resource development bill gives landowners even greater rights to notification of developments.**

**Photograph by: Lorraine Hjalte, Calgary Herald**

EDMONTON — Energy Minister Ken Hughes is embarking on a speaking tour to sell Alberta farmers and ranchers on the Tory government's controversial one-stop shopping energy resource development bill — but landowners and lawyers say he could get a rough ride in some parts of the province.

Hughes told the Herald that over the next few weeks he wants to engage with Albertans about the benefits of Bill 2, the Responsible Energy Development Act.

“It is critical from an economic perspective to get Bill 2 through, that we create a new single regulator, because that governs most of the \$300-billion economic engine that is Alberta,” he said.

Anticipating concerns from the public, he has introduced 15 amendments to the bill, which passed second reading in the Alberta legislature last week.

“What that demonstrates is that we’re a government that listens to landowner concerns,” he said. “I want to make sure personally that this is something that landowners can be comfortable with and that ensures also that we have an efficient and effective regulatory process for applicants.”

Hughes may be acting on the advice of his predecessor Ted Morton, who complained that the Conservatives faced a storm of undeserved criticism over several controversial land bills last year because they failed to explain the legislation to landowners.

“There was no timely response to bogus and misleading interpretations that were being given,” said Morton, just before he lost his seat to a Wildrose rookie in Chestermere-Rocky View last April.

Morton said the bills were also too technically written and not “user-friendly.”

Critics say the new bill — which Wildrose Leader Danielle Smith has dubbed Franken-bill — is even more complex and confusing.

Bill 2 has been described by one landowners’ group as “the worst proposed legislation ever introduced in this province” and members have expressed fears the new law could spark violence in the oilpatch.

Don Bester of the 1,400-member Alberta Surface Rights Group slammed the bill over its lack of an outside appeal mechanism.

Bill 2 also eliminates references from prior legislation that would require the energy development regulator to act in the public interest and gives it “extreme dictatorial powers,” he said.

Bester called the amendments tabled by Hughes “wordsmithing.”

“Those words that he changed were minuscule,” he said. “It was just a public relations appeasement to the other political parties.”

Bester urged farmers as well as urban dwellers to oppose the bill or lose any chance to stop energy development in their backyards.

He said it was disappointing for members of his organization that their input was ignored and none of the most controversial aspects of the bill were raised during the so-called stakeholder consultation.

He said a coalition of landowners groups is meeting later this week to plan their response to the bill. But he said he is concerned some landowners will take matters into their own hands if confronted by unwanted energy development.

Hughes has argued the bill gives landowners even greater rights to notification of developments than some of the existing acts it replaces, but land rights lawyers say it strips key existing landowner rights from the six conservation bills.

University of Calgary assistant law professor Shaun Fluker said the retraction of landowner rights in Bill 2 is “a colossal gaffe by the Alberta government” and a “substantial gift to political opponents of the governing Tories.”

“I think it is a colossal gaffe because the government doesn’t need to be stoking any fires by stripping away these rights,” he said. “It just seems to me they are going to anger a bunch of people that they really didn’t need to. If you are the leader of the Wildrose, you must be licking your chops on this.”

Fluker said it really doesn't help the landowner to be given notice of an energy development on their land because nothing appears to propel a public hearing until after the license has been issued.

"It will only happen after the shovels hit the ground," he said.

Fluker said there is nothing in the bill to ensure there is funding available to help landowners fight the project and it is unlikely the regulator will reverse decisions it has made when it hears its own appeals.

The bill eliminates appeals to the Environment Appeal Board and provides only narrow avenues of recourse to the court.

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